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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,374	01/16/2001	Brian J. Deen	13768.156	5333

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EXAMINER

TRAN, TONGOC

ART UNIT PAPER NUMBER

2134

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,374

Applicant(s)

DEEN ET AL.

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Applicant's amendment filed on December 8, 2005. Claims 1-26 are pending for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (U.S. Patent No. 6,704,786, hereinafter ['786]) in view of Gupta et al. (U.S. Patent No. 6,763,384, hereinafter ['384]).

In respect to claim 1, Gupta ['786] discloses a network system including a server system and a client system, so as to provide notification in a manner preserving the processing capacity of the server system and the client system, and preserving bandwidth on the network system, the method comprising:

an act of the client system sending a request to the server system, wherein the request is that the server system transmit a packet of data to the client system using a connectionless protocol, wherein the connectionless protocol does not require a session be established between the client system and the server system in order for communication to occur between the client system and the server system; an act of the client system attempting to receive a packet of data from the server system, wherein the packet of data is sent using the connectionless protocol; an act of the client system requesting that notifications be sent using the connectionless protocol, if the attempt to receive the packet of data is successful; and an act of the client system requesting that notifications be sent using a connection oriented protocol, if the attempt to receive the packet of data is not successful, wherein the connection-oriented protocol establishes a session between the client system and the server system in order for communication to occur between the client system and the server system (see Gupta ['786] Abstract-first and second approach, col. 2, lines 6-18, col.5, line 65-col. 6, line 42). Gupta ['786] does not disclose but Gupta ['384] discloses the server system monitors the occurrence of events, sends notification to the client system after one of the monitored events occurs, a method for efficiently notifying the client system of the occurrence of a monitored event. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gupta ['786]'s client requesting information to the server using connectionless or connection protocol with Gupta ['386]'s teaching of a notification server monitoring and notifying client as event occurs for the

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benefit of providing client real-time event when it occurs (see Gupta ['384], col. 1, lines 25-34)

In respect to claim 2, Gupta ['786] and Gupta ['384] disclose the method as recited in claim 1, wherein the act of the client system requesting notifications be sent using a connection-oriented protocol, further comprises an act of the client system attempting to establish a connection to the server system using the connection-oriented protocol (see Gupta ['786], col. 6, lines 7-21).

In respect to claim 3, Gupta ['786] and Gupta ['384] disclose the method as recited in claim 2, wherein the act of the client system requesting that notification be sent using a connection-oriented protocol, further comprises:

An act of the client system polling the server system at time interval to check for data associated with the occurrence of events; and an act of the client system requesting the data associated with occurrence of events be transmitted to the client system (see Gupta ['384], col. 1, line 55-col. 2, line 10).

In respect to claim 4, Gupta ['786] and Gupta ['384] disclose the method as recited in claim 1, wherein the attempt to receive the packet of data is not successful if the packet of data is not received within a prespecified period of time (see ['786], col. 6, lines 53-67).

In respect to claim 5, Gupta ['786] and Gupta ['384] disclose the method as recited in claim 1, wherein the connection-oriented protocol is the Transmission Control Protocol (see Gupta ['786], col. 2, lines 5-17).

In respect to claim 6, Gupta ['786] and Gupta ['384] disclose the method as recited in claim 1, wherein the connectionless protocol is the User Datagram Protocol (see Gupta ['786], col. 2, lines 5-17).

In respect to claim 7, Gupta ['786] and Gupta ['384] disclose the method as recited in claim 1, wherein the act of the client system requesting that notifications be sent using the connectionless protocol comprises an act of making an express request that notifications be sent using the connectionless protocol (see Gupta ['786], col. 2, lines 5-28).

In respect to claim 8, Gupta ['786] and Gupta ['384] disclose the method as recited in claim 1. Gupta ['786] does not disclose wherein the server is configured to, by default, send notifications using a connectionless protocol absent any instruction to the contrary, wherein the act of the client system requesting that notifications be sent using the connectionless protocol comprises an act of abstaining from making an express request thereby impliedly requesting that notifications be sent using the connectionless protocol. However, Gupta ['786] teaches connectionless protocol is the first choice for the client's requesting information from the server. Therefore, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to implement Gupta ['786]'s teaching of client's requesting information from the server using connectionless protocol as the first choice to be set as a default for the benefit of reducing network overhead.

In respect to claim 9, Gupta ['786] and Gupta ['384] disclose the method as recited in claim 1, wherein the client system resides in a private network protected by a firewall, wherein communications using the connectionless protocol are blocked by the firewall from entering the private network (see ['384], Fig. 5, col. 9, line 55-col. 10, line 9).

In respect to claims 10 and 20, the claimed limitations are similar to claim 1. Therefore, claims 10 and 20 are rejected based on the similar rationale.

In respect to claims 11-19 and 21-25, the claimed limitations are similar to claims 2-9. Therefore, claims 11-19 and 21-25 are rejected based on the similar rationale.

In respect to claim 26, the computer program product as recited in claim 20, wherein the computer-readable comprises one or more physical storage media (see Gupta, ['786], col. 5, lines 1-8).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-3962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Tongoc Tran
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March 24, 2006

Jacques Louis-Jacques
JACQUES LOUIS-JACQUES
PATENT EXAMINER